

**COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
FILE NO. AOF-28688-046  
PERMIT NO. 864-0025  
NONCOMPLIANCE NO. 431974  
BOND NO. LETTER OF CREDIT #12  
INCREMENT NO. 1**

FIRST NATIONAL BANK OF JACKSON  
and BIG D ENTERPRISES,

PETITIONERS,

VS.

HEARING OFFICER'S REPORT  
AND RECOMMENDED SECRETARY'S ORDER

ENERGY AND ENVIRONMENT CABINET,

RESPONDENT.

\* \* \* \* \*

On August 11, 2008, the parties came before the Hearing Officer, the Hon. Susan Rose Green, for a prehearing conference. In lieu of having a hearing the parties reached an agreement. The parties reported that the violations on the property at issue have been remediated. The Cabinet agreed on the record to not seek bond forfeiture at this time. The surety, the First National Bank of Jackson, agreed to withdraw its Petition. The parties having agreed on the record that the Petition for Administrative Review should be withdrawn and the Hearing Officer being of the opinion that the Petition should be dismissed as having been withdrawn,

IT IS HEREBY RECOMMENDED that the Secretary sign the attached Secretary's Order dismissing the Petition.

So RECOMMENDED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
SUSAN ROSE GREEN, HEARING OFFICER  
OFFICE OF ADMINISTRATIVE HEARINGS  
35-36 FOUNTAIN PLACE  
FRANKFORT, KENTUCKY 40601  
TELEPHONE: (502) 564-7312

## **RIGHT TO FILE EXCEPTIONS**

**Pursuant to KRS 350.0301, any party may file Exceptions to this Report and Recommendation within fourteen days of service of this Report. Any party may submit a written response to the Exceptions within twenty-one (21) days of service of the Report and Recommended Order. Thereafter, the matter shall stand submitted to Secretary, who shall consider the Report, any Exceptions and Responses, and the Recommended Order and decide the case.**

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing HEARING OFFICER'S REPORT AND RECOMMENDED SECRETARY'S ORDER was, on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, mailed by first-class mail, postage prepaid to:

BIG D ENTERPRISES  
ATTN: DARRELL FAIRCHILDS  
1143 LAKESIDE DR  
JACKSON KY 41339

BLACKBURN HADDIX  
PO BOX 211  
JACKSON KY 41339

HON SHELLY L ALVEY  
LEMONS-ALVEY LAW OFFICE  
PO BOX 1441  
147 COMBS COURT  
SHEPHERDSVILLE KY 40165

FIRST NATIONAL BANK – JACKSON  
PO BOX 640  
JACKSON KY 41339

and hand-delivered to:

HON. STEPHEN C. BOYD  
Energy and Environment Cabinet  
Office of Legal Services  
# 2 Hudson Hollow  
Frankfort, KY 40601

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DOCKET COORDINATOR

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ENERGY AND ENVIRONMENT CABINET  
FILE NO. AOF-28688-046  
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FIRST NATIONAL BANK OF JACKSON  
and BIG D ENTERPRISES,

PETITIONERS,

VS.

**SECRETARY'S ORDER**

ENERGY AND ENVIRONMENT CABINET,

RESPONDENT.

\* \* \* \* \*

THIS MATTER being before the Secretary upon the Report and Recommended Order of Susan Rose Green, Hearing Officer, and the Secretary having considered said Report and Recommendation, and any exceptions filed thereto, and being sufficiently advised,

**IT IS HEREBY ORDERED AND ADJUDGED** as follows:

1. The Hearing Officer's Report and Recommended Order filed in the Record on \_\_\_\_\_, 2008, is ADOPTED and incorporated by reference herein, as if set forth verbatim.

2. The Petition for Administrative Review is DISMISSED as being withdrawn.

3. This is a FINAL and APPEALABLE Order.

SO ENTERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ENERGY AND ENVIRONMENT CABINET

\_\_\_\_\_  
LEONARD K. PETERS  
SECRETARY

## APPEAL RIGHTS

In accordance with the provisions of KRS 350.0305 and KRS 350.032, any person or party aggrieved by a Final Order of the Secretary resulting from a hearing may obtain a review of the Final Order by filing in Circuit Court a Petition for Review. Such Petition must be filed within thirty (30) days after the entry or rendition of the Final Order, and a copy of the Petition must be served upon the Cabinet.

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing SECRETARY'S ORDER was, on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, mailed by first-class mail, postage prepaid to:

BIG D ENTERPRISES  
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JACKSON KY 41339

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Frankfort, KY 40601

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